

Permit Primer - THE Tool for Small Business

Air, stormwater, hazardous waste, waste water, water supply - as a small business the list of potential environmental permits can be overwhelming! Recognizing this, the Bureau of Cooperative Environmental Assistance within the Department of Natural Resources began the development of an electronic Permit Primer. The Permit Primer is a web-based tool that will help small businesses wade through environmental requirements.

Developed in an easy to follow "question and answer" format, the Primer will prompt the business user to supply critical trigger information. Based upon the answers supplied, the user will be offered pollution prevention information and direct links to appropriate forms and applications.

Even if you know which permits you need, there still can be some problems. The business community often wrestles with unfamiliar terms, the time frame in which things need to be completed and how much the process will cost. To address these issues the page also has several helpful features:

- ◆ **Drop down menus** (offer definitions of terms when they are introduced)
- ◆ **Icons** (placed throughout the page for information on costs and timing associated with permits)
- ◆ **Links** (allow the users to jump to the associated codes and statutes)
- ◆ **Contacts** (helps the user find the correct Department contact - on the first call)

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What's New? From the Small Business Clean Air Assistance Program...

- ✓ **Air Permit Compliance Calendar** - a place to keep all your monthly records and other reminders from your permit, etc.
- ✓ **Dry Cleaners Calendar 2003**
- ✓ **Practical Guide to Environmental Management for Small Business**

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Final MACT Hammer Deadlines?

The MACT Hammer, under s. 112(j) of the Clean Air Act (CAA), requires that for all MACT categories that EPA does not promulgate a standard for by May 15, 2002, the affected facilities have 24 months to submit a site-specific MACT standard. In April 2002, EPA responded to litigation by proposing to move up the deadline

for MACT Hammer Part 2 applications from May 15, 2004 to May 15, 2003. There was a huge outcry in response. Then just days after the Fall 2002 *Advisor* was mailed, EPA filed their response to comments on the April proposal. Turn the page for details on the deadlines proposed by EPA on December 9, 2002. ♦

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MACT Hammer Due Dates

On December 9, 2002, EPA published in the Federal Register the proposed dates for Part 2 applications for MACT standards not already promulgated. The dates and categories are shown here. For the full proposal go to: <http://www.epa.gov/ttn/atw/112j/fr09de02.pdf>

May 15, 2003

Municipal Solid Waste Landfills
Paper & Other Webs (Surface Coating)
Flexible Polyurethane Foam Fabrication Operations
Coke Ovens: Pushing, Quenching, and Battery Stacks
Reinforced Plastic Composites Production
Semiconductor Manufacturing
Refractories Manufacturing^a
Brick and Structural Clay Products Manufacturing, and Clay Ceramics Manufacturing^b
Asphalt Roofing Manufacturing and Asphalt Processing^c
Integrated Iron and Steel Manufacturing
Hydrochloric Acid Production and Fumed Silica^d
Engine Test Facilities and Rocket Testing Facilities^c
Metal Furniture (Surface Coating)
Printing, Coating, and Dyeing of Fabrics
Wood Building Products (Surface Coating)
^a Includes Chromium Refractories Production
^b Two subcategories of Clay Products Manufacturing
^c Two source categories
^d Includes all sources within the category Hydrochloric Acid Production that burn no hazardous waste, and all sources in the category Fumed Silica.

October 30, 2003

Combustion Turbines
Lime Manufacturing
Site Remediation
Iron and Steel Foundries
Taconite Iron Ore Processing
Miscellaneous Organic Chemical Manufacturing (MON)^a
Organic Liquids Distribution
Primary Magnesium Refining
Metal Can (Surface Coating)
Plastic Parts and Products (Surface Coating)
Chlorine Production
Miscellaneous Metal Parts and Products (Surface Coating) (and Asphalt/Coal Tar Application

- Metal Pipes)^b

^a Covers 23 source categories, listed below.

^b Two source categories.

Source Categories Covered by MON

Manufacture of Paints, Coatings, and Adhesives
Alkyd Resins Production
Maleic Anhydride Copolymers Production
Polyester Resins Production
Polymerized Vinylidene Chloride Production
Polymethyl Methacrylate Resins Production
Polyvinyl Acetate Emulsions Production
Polyvinyl Alcohol Production
Polyvinyl Butyral Production
Ammonium Sulfate Production-Caprolactam
By-Product Plants
Quaternary Ammonium Compounds Production
Benzyltrimethylammonium Chloride Production
Carbonyl Sulfide Production
Chelating Agents Production
Chlorinated Paraffins Production
Ethylidene Norbornene Production
Explosives Production
Hydrazine Production
OBPA/1,3-Diisocyanate Production
Photographic Chemicals Production
Phthalate Plasticizers Production
Rubber Chemicals Manufacturing
Symmetrical Tetrachloropyridine Production

April 28, 2004

Industrial Boilers, Institutional/Commercial Boilers and Process Heaters^a

Plywood and Composite Wood Products
Reciprocating Internal Combustion Engines
Auto and Light-Duty Truck (Surface Coating)

^a Includes all sources in the three categories, Industrial Boilers, Institutional/Commercial Boilers, and Process Heaters that burn no hazardous waste.

August 13, 2005

Industrial Boilers, Institutional/ Commercial Boilers, and Process Heaters^a

Hydrochloric Acid Production^b

^a Includes all sources in the three categories, Industrial Boilers, Institutional/Commercial Boilers, and Process Heaters that burn hazardous waste.

^b Includes furnaces that produce acid from hazardous waste at sources in the category Hydrochloric Acid Production.

Spill Prevention, Control and Countermeasures Rule (SPCC)

In 1974, under authority of the Clean Water Act, the EPA published a regulation entitled the Oil Pollution Prevention Rule (CFR 40 Part 112), also known as the Spill Prevention, Control and Countermeasures (SPCC) Rule. The rule was then updated in July 2002 to incorporate certain revisions. (See page 4 for changes.)

If the current rule applies, you must be in compliance even though changes are being made.

The purpose of the SPCC rule is to prevent discharges of oil into the waters of the United States and adjoining shorelines. The true intent of this revision is for facilities to identify what steps will be taken to prevent spills from taking place in the first place and if a spill should occur, what steps are needed for cleanup.

Applicability

Before a facility is subject to the SPCC rule, it must meet three criteria:

1. It must be non-transportation-related;
2. It must have an aggregate aboveground storage capacity greater than 1,320 gallons or a completely buried storage capacity greater than 42,000 gallons;
3. There must be a reasonable expectation of a discharge into or upon navigable waters of the United States or adjoining shorelines.

The Plan

The SPCC regulation requires the owner/operator to prepare a SPCC plan for their facility. This plan must be well thought out and prepared in accordance with good engineering practice including consideration of applicable industry standards.

The revision to the regulation also requires that you must maintain your plan, but must amend it no later than April 17, 2003 if necessary to ensure compliance with this rule. Most facilities must have their plans re-certified by a registered Professional Engineer (PE) on or before April 17, 2003. The plan must be fully implemented by October 18, 2003.

Compliance Deadlines

Because of the shortage of Professional Engineers to re-certify SPCC Plans, the EPA has proposed extending the deadlines as follows:

1. February 17, 2004 to have the plan re-certified by a PE; and
2. August 18, 2004 to implement the Plan.

To check on the status of this proposed change, visit the Oil Program Center's web site at

<http://www.epa.gov/oilspill>.



For more information, contact EPA Region 5's Oil Prevention Program staff:

Barbara Carr: phone 312/886-7187 or email carr.barbara@epa.gov

Bob McCoy: phone 312/886-0185 or email mccoy.robert@epa.gov

Shitien Yang: phone 312/886-0850 or email yang.shitien@epa.gov

To report spills contact the National Response Center at (800) 424-8802.

SPCC Rule Changes

Major Rule Changes

✓ **Regulatory threshold:** The rule raises the threshold by eliminating the 660 gallon/single container criteria and creating a greater than 1,320 gallon threshold.

✓ **Five year review; document of review:** Instead of an owner or operator having to review their SPCC Plan every 3 years, the rule provides for a review every 5 years.

✓ **Submitting information on spills:** Facilities are now required to submit information after having 2 discharges (over 42 gallons) in any 12 month period or a single discharge of more than 1,000 gallons.

✓ **Clarification of Oil stored in bulk containers:** The distinction is also clarified for oil stored in bulk containers (totes, drums, tanks, etc.) and the use of oil in electrical, operating or manufacturing equipment. Although the use of oil in electrical, operating and manufacturing equipment are not considered bulk storage containers they still need to be addressed in the SPCC Plan.

Exemptions

✓ **Completely buried tank:** the rule exempts completely buried tanks that are subject to all technical requirements of the Underground Storage Tank rule (40 CFR part 280 or 281).

✓ **Minimum Container size - 55 gallon containers.** The rule exempts a container of less than 55 gallons from its scope.

✓ **Wastewater treatment facilities:** The rule exempts any facility or part of a facility which is used exclusively for wastewater treatment and not for any part 112 requirement (that is, storing oil in containers such as a slop tank or oil used in the operation of equipment such as transformers, hydraulics, etc.). This exemption does not apply to the production, recycling or recovery of oil, which are not considered wastewater treatment.

There are a number of other changes to the rule. To find out more of the changes, visit the Oil Program Center's Web site at:

<http://www.epa.gov/oilspill>. ❖

EPA's Performance Track Program Calling For More Small Businesses

The EPA is encouraging more small businesses to participate in their National Performance Track Program. Launched in 2000, the program is designed to motivate and reward top environmental performance. EPA created this voluntary program to reward and recognize facilities and organizations with a proven record of regulatory compliance, an operational Environmental Management System (EMS), and a demonstrated commitment to continued improvement and outreach to the local community and the public.

What are the benefits of participation?

- National recognition on EPA Web sites, in promotional materials related to partnership

programs, in feature articles, and in case studies that profile accomplishments.

- Low priority for EPA inspections
- Cooperative relationship with the EPA through information briefings with EPA officials to share lessons learned and help improve the Performance Track program.

To help small businesses that might be interested in the program, EPA has relaxed the admission requirement for facilities with less than 50 employees. Applications are being accepted until April 30, 2003. Additional information, including application materials, can be found at <http://www.epa.gov/performancectrack> or call 1-888-339-PTRK.

State Hazardous Air Pollutant Rule Revision

(continued from page 7)

Special Studies

Certain compounds that would have a highly significant affect on businesses have been singled out for special studies. These compounds are silica and wood dust. DNR will work with the affected industries to determine how best to minimize the emissions of the compounds and thereby reducing the likelihood of health effects.

Schedule

The Air Program is tentatively scheduled to bring their final rule package to the Natural Resources Board's April meeting. If the NRB approves the rule package, it would become effective in late summer of 2003. You can view the Natural Resources Board meeting information at:

<http://www.dnr.state.wi.us/org/nrboard>

Compliance Dates

Any new or modified sources would need to comply with the new rule from the effective date. Existing sources would have time to develop a plan for compliance.

During 2004, existing sources would begin keeping track of the emissions of any new hazardous air pollutants for reporting on the Annual Emissions Inventory due in the spring of 2005. Summer of 2006 would be the final compliance date (three years after the effective date of the rule).

Tentative NR 445 Workshops Training on Complying with Revised Rule

Dates: June 10, 11, 12, 17, 18, and 19

Locations (not necessarily in the order given): Eau Claire, Wausau, Milwaukee, Appleton, Madison, Kenosha/Racine

Workshops

No final reservations have been made for the workshop locations, so the information provided is tentative at the time of this printing. Nonetheless, detailed workshop materials are being developed: case studies, fact sheets, calculation worksheets, etc. For those of you interested in attending the workshops on the revised rule, watch your mail for a postcard from us announcing registration details. If you're not already on it, be sure to contact us to get on our mailing list. ♦

Permit Primer

(continued from page 1)

Another component to the pages are the links to technical information. What have others in your industry done to streamline environmental issues? Check out the links to case study examples. Wonder if others have similar questions? Check out our lists of FAQs (Frequently Asked Questions). Unsure of some of the specifications on some of the products you use? Use our page to link to on-line material safety data sheets. Want to find out more on pollution prevention options? Link to the WIP2 Web site - the Wisconsin Pollution Prevention Partnership. Who can help me evaluate my business? Find links to assistance providers like SHWEC (U.W.-Extension's, Solid and Hazardous Waste Education Center), or SBCAAP (The Department of Commerce's, Small Business Clean Air Assistance Program).

And most importantly the Permit Primer offers a way to contact an expert directly within the Department of Natural Resources. No more calling the general number just to be bumped around. Each segment of the page has a list of staff specific to the program, which will be able to help you with your questions.

**Watch for the Permit Primer
Coming this Spring!!
You'll Find it on the Department
of Natural Resource's Web site.**

For further information, contact Laurel Sukup, Department of Natural Resources' Business Sector Specialist directly, by phone at (715)365-8936 or email her at: Laurel.Sukup@dnr.state.wi.us. ♦

Enforcement and Compliance History Online (ECHO) Public Comments Requested

The U.S. Environmental Protection Agency (EPA) is seeking public comment about its [Pilot](#) information service called ECHO. ECHO enables the public, businesses and others to research the environmental compliance history of regulated facilities.

The public comment period allows site users, interested parties and those responsible for facilities an opportunity to review and comment on ECHO's content, design and data accuracy.

Advantages of ECHO

- ✓ For the first time, the public and businesses can have a single point of access to environmental compliance information.
- ✓ Citizens can make better and more informed decisions regarding environmental issues impacting their communities.
- ✓ ECHO may provide state and local governments an important tool to evaluate environmental compliance problems and determine program priorities.
- ✓ Companies can use ECHO as a tool to monitor their record of compliance under federal environmental laws
- ✓ ECHO may provide market incentives for regulated entities to be in, or return to, compliance since the public has direct access to company compliance records.

EPA worked with the Environmental Council of the States (ECOS) to develop ECHO content and ensure its accuracy. A joint EPA-State Enforcement and Compliance Public Access Workgroup developed the template for the type, sources and amount of data to be included within ECHO. Continued cooperation and information sharing between EPA and ECOS is anticipated to ensure the future success and utility of ECHO.

What does the information come from?

The data covers a two-year period and includes information drawn from the following databases:

- ✓ **Air Facility System (AFS):** Information on compliance with air permits for various stationary sources of air pollution, such as electric power plants, steel mills

and factories, and information about the air pollutants they produce.

- ✓ **Permit Compliance System (PCS):** PCS tracks National Pollutant Discharge Elimination System (NPDES) permit issuance, permit limits, self-monitoring data and enforcement and inspection activity for facilities regulated under the Clean Water Act.

- ✓ **Resource Conservation and Recovery Act Information System (RCRAInfo):** Tracks hazardous waste generators and handlers

- ✓ **Integrated Compliance Information System (ICIS):** Supports the information needs of the National Enforcement and Compliance Program

- ✓ **Facility Registry System (FRS):** A centrally managed EPA database that integrates facility name and location information from the above databases to create a single source of comprehensive information about facilities subject to environmental regulations or of environmental interest.

- ✓ **U.S. Census Data:** Demographic information surrounding a facility based on the 2000 Block Group data.

What kind of information can you find on ECHO?

- ✓ Basic name and address of each facility (Includes more than 800,000 facilities)
- ✓ Facility Characteristics (type of permit, SIC code, etc)
- ✓ Inspection History (inspections over the last two years)
- ✓ Compliance Status/Violations (current and historical over two years) - includes information about pollutants with violations and whether the violations are significant.
- ✓ Formal Enforcement Actions (taken during the last 2 years)
- ✓ Penalties Assessed (during last 2 years)
- ✓ Demographics (within 5 miles of a facility)
- ✓ Key Compliance and enforcement data includes a mix of EPA and State activities

To view ECHO and/or provide feedback, visit:

<http://www.epa.gov/echo/index.html>

Hot Topics in DNR's Air Program

Check them out at: www.dnr.state.wi.us/org/aw/air/hot/index

Hazardous Air Pollutant Rule Revision Workshops planned for June 2003

Background

The DNR's Air Program has been working on the proposal for their revised hazardous air pollutant rule (chapter NR 445 in Wisconsin Administrative Code) for over three years. DNR is now preparing the final rule package to send to the DNR Natural Resources Board for approval. They have spent the last few months responding to all the comments received following the public hearings in August 2002.

Revisions

DNR has proposed the revisions for a number of reasons. The existing rule has not been updated since 1988. Many changes to the understanding of which chemicals cause health effects, and whether those effects are cancer-related or not, have come about in the years from when the original was established to the 2000 data they used for the proposed rule.

Based on the 2000 data from national and international scientific organizations, DNR is proposing to add 152 compounds and remove 5 compounds as well as increase (make less stringent) the thresholds for 86 compounds while reducing (make more stringent) the thresholds for 126 compounds.

Streamlining

Past articles in the **Advisor** have focused on the streamlining efforts by DNR to make the new rule more flexible and easier to comply with than the existing rule. The following are summaries of all streamlined elements.

Presently, it is not very clear to what extent a business must go to establish whether or not they have sources of emissions of compounds listed in the rule. If the rule revision did not clarify this, it would make the proposed additional compounds an even greater burden to businesses without staff or resources to deal with the regulation. The rule revision includes some basic criteria you would be expected to follow to discover emissions sources, and if you follow the criteria there is a "safe harbor" provision. If later you obtain new information regarding emissions from your business and find that

you missed something in your original determination, then the "safe harbor" will eliminate retroactive enforcement activity if you make a good-faith effort to comply from that time forward.

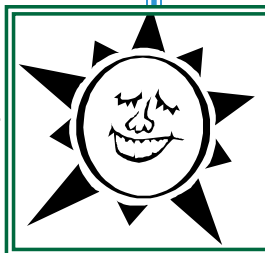
For very small businesses, there is better clarification of whether it is likely you are a source of hazardous air pollutants. Most non-manufacturers are filtered out immediately. Other businesses that may be likely sources, but very small, can check the more straightforward emissions calculations for volatile organic compounds (VOC) and particulate matter (PM). If you have less than 3 and 5 tons per year respectively, you have to review whether you have certain processes or a short list of compounds (78 out of the total ~600 compounds) with high levels of toxicity or cancer causing concerns. If DNR receives a complaint or additional information comes to light, a business that used this provision would need to review the full rule for compliance.

Even for those businesses who are larger sources of emissions, some flexibility has been built into the revisions. The additional stack heights, and the additional thresholds they provide for each compound, may allow a business to show that under their present operations they can comply with the rule. Or a slight addition to a stack height may be the only change they need to make to comply. Also, a business can run a simple computer model (guidance is being developed) to show whether their emissions meet the actual standards (not the thresholds) before making any changes to the operations.

If none of these options work for your business, you may be able to take advantage of the expanded use of source-established caps on emissions or pollution prevention measures to avoid the rule.

For most options that you choose to comply with the revised rule, you will be able to send DNR a certification letter establishing how you will comply and then incorporate those changes into your permit when it comes up for renewal. This can save a lot of paperwork hassles, particularly for those who may have gone through the renewal process just prior to deciding how to comply with the rule revision.

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One-Stop Web Site For Open Participation in Federal Rule Process

Have you ever wanted to comment on a proposed federal rule that may affect your business? If you answer yes, there is now a single Web site that will allow you to do just that.

www.regulations.gov

The Office of Management and Budget (OMB) and the EPA have released a new Web site. This site will make the federal rule-making process more accessible and enable citizens and small businesses to quickly access and comment on hundreds of rules from all federal agencies.

Regulations.gov is a one-stop federal regulatory clearinghouse that makes it easy for citizens to participate in the federal rule-making process. The Web site is made possible through a collaborative

effort among the following federal agencies: United States Department of Agriculture (USDA), Environmental Protection Agency (EPA), Federal Communications Commission (FCC), General Services Administration (GSA), Government Printing Office (GPO), Department of Health & Family Services (HHS), Department of Labor (DOL), National Archives & Records Administration (NARA), and the Department of Transportation (DOT).

From the Regulations.gov Web site, you can view a description of every proposed and final federal regulation currently open for comment, read the full text of the regulations, and submit your comments to the Federal agencies responsible for the rule-making action. When you submit comments on regulations, federal agencies must take your views into account and justify their regulatory actions.

WISCONSIN DEPARTMENT OF COMMERCE

The Small Business Clean Air Advisor is published by the Wisconsin Department of Commerce, Philip Edw. Albert, Secretary. To obtain free copies or to be placed on the mailing list, contact:

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